



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. <i>VB</i>
-----------------	-------------	----------------------	-------------------------------

EXAMINER

ART UNIT

PAPER NUMBER *10*

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Interview Summary

Application No.

09/508,635

Applicant(s)

Ballevre

Examiner

David Lukton

Group Art Unit

1653



All participants (applicant, applicant's representative, PTO personnel):

(1) David Lukton

(3) _____

(2) Robert Barrett

(4) _____

Date of Interview Nov 10, 2000Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:Agreement ☒ was reached. ☐ was not reached.Claim(s) discussed: None

Identification of prior art discussed:

none

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The election of species requirement was discussed. As a consequence of this discussion the election of species requirement is modified as indicated on the attached sheet.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

On 11/10/00, applicants' representative, Robert Barrett, argued that the election of species requirement should be modified. Specifically he argued that it should not be necessary to require a degree of hydrolysis or a weight percent of di and tri-peptides. In response thereto, the "election of species" requirement is now simplified. It will be sufficient to elect one of the following: (a) an unhydrolyzed dietary protein, (b) a protein hydrolyzate, or (c) "free amino acids". Thus, the examiner is no longer insisting that applicants define a specie in terms of a degree of hydrolysis or a weight percent of di and tri-peptides.

Apart from the matter of "election of species", the restriction requirement mailed 9/29/00 remains in force.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is (703) 308-3213.

An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

A handwritten signature in cursive script, appearing to read "D. Lukton".

DAVID LUKTON
PATENT EXAMINER
GROUP 1653